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CONTENTION #1-A

~~WRONGLY DENIED A 6TH AND 14TH AMENDMENT DUE PROCESS AND EQUAL PROTECTION CLAUSES VIOLATION FOR THE COURTS FAILURE TO INQUIRE INTO THE APPOINTMENT OF CONFLICTING COUNSEL.~~

STATEMENT OF FACTS - ON OR ABOUT 11-09-04, AFTER PETITIONER WAS APPOINTED HIS 3RD COURT APPOINTED COUNSEL MR. NEWTON. (IT SHOULD BE NOTED THAT DEFENDANT'S FIRST APPOINTED COUNSEL WAS CONFLICTING, A MR. ERICSEN OF HOME PETITIONER HAD NEVER HAD INITIAL PERSONAL CONSULTATION WITH), UPON APPOINTMENT OF MR. NEWTON WITH A DISQUALIFYING CONFLICT, PETITIONER/DEFENDANT MADE A "THRESHOLD MARSDEN MOTION THAT WAS DENIED PREJUDICIALLY BY THE HON. JUDGE PRECKEL WITHOUT MAKING THE PROPER INQUIRY, THUS ABUSING HIS DISCRETION, AS MR. NEWTON REPRESENTED PETITIONER'S ALLEGED CO DEFENDANT MR. MCKEEVEY AT HIS PRELIMINARY HEARING. MR. NEWTON HAD DISCLOSED CONFIDENTIALITIES ABOUT MR. MCKEEVEY TO PETITIONER. PETITIONER'S ~~SENTENCE AND SENTENCE~~ SHOULD BE REVERSE WITH A PER SE REVERSAL/ AUTOMATIC REVERSAL AS IN HOLLOWAY v. ARKANSAS, 435 U.S. 475, 49-491, 98 S.C.T. 1173, 1181 1182, 55 L.ed.2d 426 (1978). STATEMENT OF FACTS

SEE EXHIBITE, PAGE 19, RT EXCERPT 0032, LINES 1-20, 23-26, SEE ALSO EXHIBITE, PAGE 20, RT EXCERPT 0033, LINES 1, 2, 3, 4, 6, 11-21, PETITIONER DENIES OMITTED PORTIONS, SEE EXHIBITE, PAGE 21, RT EXCERPT 83, LINES 2-6, 9-14, 17-24, 27, 28, SEE ALSO EXHIBITE, PAGE 22, RT EXCERPT 86, LINES 1-22, 25, PETITIONER DENIES ALL OMITTED PORTIONS, SEE EXHIBITE, PAGE 70, RT EXCERPT 259, LINES 21, 22, 27, 28. SEE ALSO EXHIBITE, PAGE 72, RT EXCERPT 260, LINES 1-8, 13, 16, 17, 18, 19.

MR. E.W. BURTON #F027720 P.O. BOX 500001 SAT, 02/19/2008  
CORCORAN, CA 93212  
IN PROPER

1 THE COURT: HOW MANY ATTORNEYS HAVE YOU ALREADY HAD, MR. BURTON? THE DEFENDANT:  
2 WELL SIR, VIC ERIKSEN WAS THE FIRST AND HE HAD A CONFLICT BECAUSE HE  
3 (ALLEGEDLY) REPRESENTED MR THOMAS. I SAT IN JAIL FOR TWO WEEKS AND HAD NOT  
4 MET WITH AN ATTORNEY. THE NEXT ATTORNEY WAS MR. PLUMMER, -- BECAUSE  
5 HE DID A MOTION, FRUIT OF THE POISONOUS TREE -- BEGIN WITH A MIRANDA  
6 VIOLATION -- A FOURTH AMENDMENT VIOLATION, -- "ALL ITEMS SEIZED"  
7 WHICH DEEMED THE MOTION TO BE AN -- "I WAS THEN ASSIGNED  
8 AN ATTORNEY NEWTON, -- (ALLEGED) CODEFENDANT AND HE REPRESENTED  
9 HIM THE DAY OF MY PRELIMINARY HEARING -- CONFLICT OF INTEREST  
10 AND THEN I WAS ASSIGNED MR. ADAIR, (MARDEN 6-01-05).  
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